

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARK MILLIGAN,

Plaintiff,

v.

**Civil Action 2:17-cv-59
Judge George C. Smith
Magistrate Judge Chelsey M. Vascura**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

REPORT AND RECOMMENDATION

Plaintiff filed this action on January 19, 2017. (ECF No. 1.) On January 20, 2017, the Clerk issued a Notice of Non-Issuance of Summons (ECF No. 2), informing Plaintiff that the summons he submitted failed to comply with Federal Rule of Civil Procedure 4(a). (ECF No. 2.) On January 24, 2017, the Court granted Plaintiff's Motion to Proceed Without Prepayment of Fees, causing his Complaint to be filed. (ECF No. 24.) On May 2, 2017, after the deadline for effecting service set forth in Federal Rule of Civil Procedure 4(m) passed and Plaintiff had failed to correct the deficiencies outlined in the Notice of Non-Issuance of Summons, the Court issued an Order ordering Plaintiff to "show good cause within fourteen days why this action should not be dismissed and why an extension of time to effect service should be allowed." (May 2, 2017 Order 1-2, ECF No. 6.) To date, Plaintiff has failed to respond to the show cause order. It is therefore **RECOMMENDED** that the Court dismiss this action without prejudice pursuant to Rule 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal”) (citation omitted)).

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE